Appendix K
Sample Floodplain Notices, 404 Permit Information, Request for Determination of Jurisdictional Wetlands

Sample
Notice of Early Public Review
(For Floodplain and/or Wetland Compliance)

Publication Date: _____

Notice is hereby given that *(Grant Recipient or Applicant)* has determined that the project hereafter described is proposed to be located in, or may affect, a floodplain and/or wetland as defined by Executive Order 11988 and/or Executive Order 11990:

1. *(Name, location and brief description of the Project, including funding sources.)*
2. *(Set forth the facts and reasons for the proposed project.)*

The *(Grant Recipient or Applicant)* has additional information on the proposal and such information may be obtained at *(Address)* between the hours of *(time range and days of the week available for public inspection.)*

Comments respecting the proposed project may be submitted to *(Name and address of applicant)* no later than *(Minimum of 15 days following publication date).*

_____
Name and Address of Applicant

_____
Name and Address of Chief Executive Officer

Sample
Notice of Explanation
(For Floodplain and/or Wetland Compliance)

Publication Date: _____

Notice is hereby given of a determination that there is no practicable alternative to locating in or impacting a (*floodplain and/or wetland*) by the following proposed project: *(Name, location and brief description, including funding sources.)*

1. *Explain why the proposed project must be located in or impact a floodplain and/or wetland.*
2. *Provide a description of all significant facts considered in making the determination including alternatives considered (including alternative locations).*
3. *Provide a statement indicating whether the actions conform to applicable state or local floodplain and/or wetland protection measures.*
4. *Provide a statement as to the applicability of the National Flood Insurance Program.*
5. *Provide a description of how the activity will be designed or modified to minimize harm to or within the floodplain and/or wetland.*
6. *Provide a statement indicating how the action affects natural or beneficial floodplain and/or wetland values.*
7. *Provide a listing of other involved agencies, including any applicable regulatory or permitting agencies.*

Comments respecting the proposed project may be submitted to *(Name and address of applicant)* no later than *(minimum of 7 days from publication date.)*

_____
Name and Address of Applicant

_____
Name and Address of Chief Executive Officer

The Regulatory Permit Program

Corps of Engineers Regulatory Program

Water is one of our nation's most valuable resources. It is becoming increasingly important that we protect the quality of our inland waters and wetlands for the use and benefit of future generations.

This brochure discusses the regulatory program of the U.S. Army Corps of Engineers: what it is, how it began, how it may affect you, and what you as a concerned American can do to help.

If you are planning work in a river, stream, or wetland, a Corps permit may be required.

History

The U.S. Army Corps of Engineers has been involved in regulating certain activities in the nation's water since 1890. Until 1968, the primary thrust of the Corps' regulatory program was the protection of navigation. As a result of several new laws and judicial decisions, the program evolved to one that considers the full public interest by balancing the favorable impacts against the detrimental impacts.

What Work Requires a Permit?

Section 10 of the Rivers and Harbors Act of 1899 requires approval prior to the accomplishment of any work in or over navigable waters of the United States, or which affects the course, location, condition or capacity of such waters. Typical activities requiring Section 10 permits are:

- Construction of piers, wharves, bulkheads, dolphins, marinas, ramps, floats intake structures, and cable or pipeline crossings.
- Dredging and excavation

Section 404 of the Clean Water Act requires approval prior to discharging dredged or fill material into the waters of the United States. Typical activities requiring Section 404 permits are:

- Depositing of fill or dredged material in waters of the U.S. or adjacent wetlands.
- Site development fill for residential, commercial, or recreational developments.
- Construction of revetments, groins, breakwaters, levees, dams, dikes, and weirs.
- Placement of riprap and road fills.

Who Should Obtain a Permit?

Any person, firm, or agency (including Federal, state, and local government agencies) planning to work in navigable waters of the United States, or dump or place dredged or fill material in waters of the United States, must first obtain a permit from the Corps of Engineers. Permits,

licenses, variances, or similar authorization may also be required by other Federal, state and local statutes.

Waters of the United States

Waters of the United States includes essentially all surface waters such as all navigable waters and their tributaries, all interstate waters and their tributaries, all wetlands adjacent to these waters, and all impoundments of these waters.

"Wetlands" are areas characterized by growth of wetland vegetation (bulrush, cattails, rushes, sedges, willows, pickleweed) where the soil is saturated during a portion of the growing season or the surface is flooded during some part of most years. Wetlands generally include swamps, marshes, bogs, and similar areas.

The Corps' provides a brochure on Recognizing Wetlands.

The landward regulatory limit for non-tidal waters (in the absence of adjacent wetlands) is the ***ordinary high water mark***. The ordinary high water mark is the line on the shores established by the fluctuations of water and indicated by physical characteristics such as:

- a clear natural line impressed on the bank;
- shelving;
- changes in the character of the soil;
- destruction of terrestial vegetation;
- the presence of litter and debris;
- or other appropriate means that consider the characteristics of the surrounding areas.

Navigable Waters

Navigable waters of the United States are defined as tidal waters and waters that have been used in the past, are now used, or are susceptible to use as a means to transport interstate or foreign commerce up to the head of navigation. Section 10 and/or Section 404 permits are required for construction activities in these waters. A complete list is available in the District Office.

Pre-Application Consultation

You are encouraged to contact the Corps of Engineers for proposed work in waters in your area.

Exemptions, nationwide, regional and individual permit requirements will be reviewed. By discussing all information prior to application submittal, your application will be processed more efficiently.

An official determination as to the need for a Department of the Army permit will be provided upon request.

TYPES OF PERMITS

Individual Permits

Individual permits are issued following a full public interest review of an individual application for a Department of the Army permit. A public notice is distributed to all known interested persons. After evaluating all comments and information received, final decision on the application is made.

The permit decision is generally based on the outcome of a public interest balancing process where the benefits of the project are balanced against the detriments. A permit will be granted unless the proposal is found to be contrary to the public interest.

Processing time usually takes 90 to 120 days unless a public hearing is required or an environmental statement must be prepared.

To apply for an individual permit, an application form must be completed. This application is available from all regulatory offices.

Nationwide Permits

A nationwide permit is a form of general permit which authorizes a category of activities throughout the nation. These permits are valid only if the conditions applicable to the permits are met. If the conditions cannot be met, a regional or individual permit will be required.

Regional Permits

Regional permits are issued by the District Engineer for a general category of activities when

1. the activities are similar in nature and cause minimal environmental impact (both individually and cumulatively), and
2. the regional permit reduces duplication of regulatory control by State and Federal agencies.

Contact the Regulatory office in your area for information regarding regional permits.

You Can Help

The understanding and support of the American people is vital to the success of this program. To protect our nation's water resources and assure their use and enjoyment for future generations, we must all join this vital effort. We ask your help in "passing the word" to others concerning the permit requirements outlined in this brochure and solicit your views and comments on better ways of attaining the goals of this program. Your comments, questions, and suggestions should be directed to one of our regulatory offices.

For additional information or to apply for a permit, please contact one of our Regulatory Offices.

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Recognizing Wetlands

What is a wetland?

The US Army Corps of Engineers (Corps) and the US Environmental Protection Agency define wetlands as follows:

> ***Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.***

Wetlands are areas that are covered by water or have waterlogged soils for long periods (14-21 days) during the growing season. Plants growing in wetlands are capable of living in saturated soil conditions for at least part of the growing season. Wetlands such as swamps and marshes are often obvious, but some wetlands are not easily recognized, often because they are dry during part of the year or "they just don't look very wet" from the roadside.

Some of these wetland types include, but are not limited to, many bottomland forests, pocosins, pine savannahs, bogs, wet meadows, potholes, and wet tundra. The information presented here usually will enable you to determine whether you might have a wetland. If you intend to place dredged or fill material in a wetland or in an area that might be a wetland, contact the local Corps District Office for assistance in determining if a permit is required.

Why is it necessary to consider whether an area is a wetland?

Section 404 of the Clean Water Act requires that anyone interested in depositing dredged or fill material into "waters of the United States, ***including wetlands,***" must receive authorization for such activities. The Corps has been assigned responsibility for administering the Section 404 permitting process. Activities in wetlands for which permits may be required include, but are not limited to:

- Placement of fill material.
- Ditching activities when the excavated material is sidecast.
- Levee and dike construction.
- Mechanized land clearing.
- Land leveling.
- Most road construction.
- Dam construction.

The final determination of whether an area is a wetland and whether the activity requires a permit must be made by the appropriate Corps District Office.

How can wetlands be recognized?

The Corps uses three characteristics of wetlands when making wetland determinations: **vegetation, soil, and hydrology.** Unless an area has been altered or is a rare natural situation, wetland indicators of all three characteristics must be present during some portion of the growing season for an area to be a wetland. Each characteristic is discussed below.

However, there are some general situations in which an area has a strong probability of being a wetland. If any of the following situations occur, you should ask the local Corps office to determine whether the area is a wetland:

- Area occurs in a floodplain or otherwise has low spots in which water stands at or above the soil surface during the growing season. ***Caution: Most wetlands lack both standing water and waterlogged soils during at least part of the growing season.***
- Area has plant communities that commonly occur in areas having standing water for part of the growing season (e.g., cypress-gum swamps, cordgrass marshes, cattail marshes, bulrush and tule marshes, and sphagnum bogs).
- Area has soils that are called peats or mucks.
- Area is periodically flooded by tides, even if only by strong, wind-driven, or spring tides.

Many wetlands can be readily identified by the general situation stated above. For the boundary of these areas and numerous other wetlands, however, it is unclear whether these situations occur.

In such cases, it is necessary to carefully examine the area for wetland indicators of the three major characteristics of wetlands: vegetation, soil, and hydrology. Wetland indicators of these characteristics, which may indicate that the area is a wetland, are described on the following pages.

Vegetation indicators

Nearly 5,000 plant types in the United States may occur in wetlands. These plants, known as ***hydrophytic vegetation,*** are listed in regional publications of the US Fish and Wildlife Service.

However, you can usually determine if wetland vegetation is present by knowing a relatively few plant types that commonly occur in your area. For example, cattails, bulrushes, cordgrass, sphagnum moss, bald cypress, willows, mangroves, sedges, rushes, arrowheads, and water plantains usually occur in wetlands.

Other indicators of plants growing in wetlands include trees having shallow root systems, swollen trunks (e.g., bald cypress, tupelo gum), or roots found growing from the plant stem or trunk above the soil surface. Several Corps offices have published pictorial guides of representative wetland plant types.

If you cannot determine whether the plant types in your area are those that commonly occur in wetlands, ask the local Corps District Office or a local botanist for assistance.

Soil indicators

There are approximately 2,000 named soils in the United States that may occur in wetlands. Such soils, called ***hydric soils***, have characteristics that indicate they were developed in conditions where soil oxygen is limited by the presence of saturated soil for long periods during the growing season. If the soil in your area is listed as hydric by the US Soil Conservation Service (CSC), the area might be a wetland.

If the name of the soil in your area is not known, an examination of the soil can determine the presence of any hydric soil indicators, including:

- Soil consists predominantly of decomposed plant material (peats or mucks).
- Soil has a thick layer of decomposing plant material on the surface.
- Soil has a bluish gray or gray color below the surface, or the major color of the soil at this depth is dark (brownish black or black) and dull.
- Soil has the odor of rotten eggs.
- Soil is sandy and has a layer of decomposing plant material at the soil surface.
- Soil is sandy and has dark stains or dark streaks of organic material in the upper layer below the soil surface. These streaks are decomposed plant material attached to the soil particles. When soil from these streaks is rubbed between the fingers, a dark stain is left on the fingers.

Hydrology indicators

Wetland hydrology refers to the presence of water at or above the soil surface for a sufficient period of the year to significantly influence the plant types and soils that occur in the area. Although the most reliable evidence of wetland hydrology may be provided by gaging station or groundwater well data, such information is limited for most areas and, when available, requires analysis by trained individuals. Thus, most hydrologic indicators are those that can be observed during field inspection. Most do not reveal either the frequency, timing, or duration of flooding or the soil saturation.

However, the following indicators provide some evidence of the periodic presence of flooding or soil saturation:

- Standing or flowing water is observed on the area during the growing season.
- Soil is waterlogged during the growing season.
- Water marks are present on trees or other erect object. Such marks indicate that water periodically covers the area to the depth shown on the objects.
- Drift lines, which are small piles of debris oriented in the direction of water movement through an area, are present. These often occur along contours and represent the approximate extent of flooding in an area.
- Debris is lodged in trees or piled against other object by water.
- Thin layers of sediments are deposited on leaves or other objects. Sometimes these become consolidated with small plant parts to form discernible crust on the soil surface.

Wetland determination

One or more indicators of wetland vegetation, hydric soil, **and** wetland hydrology must be present for an area to be a wetland. If you observe definite indicators of any of the three characteristics, you should seek assistance from either the local Corps District Office or someone who is an expert at making wetland determinations. **To request a jurisdictional determination, the following form would have to be completed, in order for us to begin correspondence with any applicant: Savannah District's Jurisdictional Determination Request Form.**

This brochure is not intended to be used to make a final wetland determination or delineation; it is intend, however, to provide some general information concerning wetlands identification.

What to do if your area has wetlands that you propose to alter?

Contact the Corps District Office that has responsibility for the Section 404 permitting process in your area. This office will assist you in defining the boundary of any wetlands on your property, and will provide instructions for applying for a Section 404 permit, if necessary.

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REQUEST FOR JURISDICTIONAL DETERMINATION
FOR PROPERTY LOCATED IN THE STATE OF GEORGIA

APPLICANT_____

Address_____

City_____ State_____ Zip Code_____

Phone(hm/bus)_____ FAX_____

PROPERTY OWNER_____

Address_____

City_____ State_____ Zip Code_____

Phone(hm/bus)_____ FAX_____

AGENT (Environmental Consultant)_____

Address_____

City_____ State_____ Zip Code_____

Phone(hm/bus)_____ FAX_____

PROPERTY ADDRESS/LOCATION_____

_____

City_____ County_____ Subdivision_____

Lot #_____ Size(acres)_____ NearestStream/River/Lake_____

THE REQUEST MUST INCLUDE: a location map showing the property and a nearby landmark such as a major highway intersection; a plat showing property boundaries in relation to nearby streets and other properties; and a US Geological Survey 7.5 Minute Quadrangle Sheet and County Soil Map with the property boundaries superimposed.

I request a jurisdictional determination on the above property, grant the US Army Corps of Engineers permission to conduct an on-site inspection, and certify that I am authorized to grant permission for entry into the property.

SIGNED_____ DATE_____